

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
FIRST AMENDED
**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Stephen Nitzsche

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Cindy Nitzsche

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Texas

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other:

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Texas (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☒ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)

11 _____

12 _____

13 _____

14 _____

15 _____

1 RESPECTFULLY SUBMITTED this 11 day of July .

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3 By: /s/ Clint Reed
4 Clint Reed
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10 Facsimile: (713) 626-3394
11

12 *Attorneys for Plaintiffs*

13 I hereby certify that on this 11 day of July , I electronically transmitted
14 the attached document to the Clerk's Office using the CM/ECF System for filing and
15 transmittal of a Notice of Electronic Filing.

16 /s/ Clint Reed

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